IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(C).No. 30819 of 2007(R)

PETITIONER:

P.V. ABDUL SAMAD, S/O BAPPU HAJI, AGED
33 YEARS, MANGOTTIL HOUSE, P.O. CODACAL,
B.P. ANGADI, MALAPPURAM DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:

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1. THE THIRUNAVAYA GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY, THIRUNAVAYA,
MALAPPURAM DISTRICT

2. HUTCHISSON ESSAR CHELLULAR LIMITED'
(NOW VODAFONE ESSAR LIMITED),IST FLOOR,MATHER
SQUARE, OPPOSITE TOWN NORTH RAILWAY STATION,
ERNAKULAM,

3. PALATHINKAL HAMSA HAJI,S/O ALAVI,
XI/327K,P.O. CODACAL, B.P. ANGADI,
MALAPPURAMDISTRICT.

BY ADV. SRI.SATHISH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 30819/2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF A COMPLAINT SUBMITTED BY THE PETITIONER ALONG WITH SEVERAL OTHERS BEFORE THE 1ST RESPONDENT.

EXT. P2 : TRUE COPY OF THE STOP MEMO DATED 13.9.2007 ISSUED BY THE 1ST RESPONDENT PANCHAYATH.

K.M.JOSEPH, J.

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WP.(C) No.30819 of 2007

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Dated this the 15th day of November, 2007

JUDGMENT

Petitioner has approached this court for a direction to the first respondent to enforce Ext.P2. Ext.P2 is a stop memo calling upon the second respondent to stop the construction of the mobile phone transmission tower.

2. I heard learned counsel for the petitioner and the learned counsel for the second respondent. There is no appearance for either the first respondent or the third respondent.

3. Learned counsel for the second respondent submits that the second respondent will not proceed with the construction contrary to Ext.P2. But he submits that a decision may be taken by the respondent Panchayat with opportunity of hearing.

In such circumstances the writ petition is disposed of directing the first respondent to afford an opportunity of hearing to the petitioner, the second respondent and complainants 1 to 5 in Ext.P1 and take a decision on the complaints received as early as possible and at any rate within one month from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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